

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHAN A. TOTTEN,

No. 2:22-cv-00810-DAD-KJN (PC)

Plaintiff,

v.

REDDING POLICE DEPARTMENT,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIS ACTION DUE TO PLAINTIFF'S  
FAILURE TO PROSECUTE AND FAILURE  
TO OBEY A COURT ORDER

Defendant.

(Doc. No. 9)

Plaintiff Nathan A. Totten is a former county jail inmate proceeding *pro se* and *in forma pauperis* in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 30, 2022, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute and failure to obey a court order. (Doc. No. 9.) Specifically, because the magistrate judge found that plaintiff failed to state a cognizable claim in his prisoner civil rights complaint, on July 20, 2022, the magistrate judge issued an order dismissing this action with leave to amend and requiring plaintiff to file an amended complaint within thirty (30) days of that order. (Doc. No. 8.) Plaintiff was warned that his failure to comply with that order may result in the dismissal

1 of this action. (*Id.* at 7.) To date, plaintiff has not responded to the order requiring him to file an  
2 amended complaint or otherwise communicated with the court.

3 Accordingly, on August 30, 2022, the magistrate judge issued the pending findings and  
4 recommendations recommending dismissal of this action due to plaintiff's failure to prosecute  
5 and failure to obey a court order. (Doc. No. 9.) Those pending findings and recommendations  
6 were served on plaintiff and contained notice that any objection thereto were to be filed within  
7 fourteen (14) days after service. (*Id.* at 1.) To date, no objections have been filed and the time in  
8 which to do so has now passed.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
10 *de novo* review of the case. Having carefully reviewed the entire file, the court finds the findings  
11 and recommendations to be supported by the record and by proper analysis.

12 Accordingly,

- 13 1. The findings and recommendations issued on August 30, 2022 (Doc. No. 9) are  
14 adopted;
- 15 2. This action is dismissed without prejudice due to plaintiff's failure to prosecute  
16 this action and failure to comply with a court order; and
- 17 3. The Clerk of the Court is directed to close this case.

18 IT IS SO ORDERED.

19 Dated: October 5, 2022

  
20 UNITED STATES DISTRICT JUDGE

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